

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

CARILLO HUETTEL, LLP, et al.,

Defendants.

13 CV 2575 (GBD) (JCF)

**DECLARATION OF TODD D. BRODY IN SUPPORT OF MOTION TO COMPEL**

I, TODD D. BRODY, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney in the New York Regional Office of the Securities and Exchange Commission (“SEC”). I am a member in good standing of the bar of New York and admitted to practice before the U.S. District Court for the Southern District of New York in the above-captioned matter. I submit this declaration in support of the motion to compel.

2. Attached hereto as Exhibit A is a true and correct copy of a privilege log produced by the lawfirm Carrillo Huettel, LLP during the SEC’s investigation In re Skymark: No. NY 8377. The crossed out lines reflect a determination by the lawfirm to withdraw their privilege assertion with respect to those particular documents.

3. Attached hereto as Exhibit B is a true and correct copy of a December 6, 2011 letter from the SEC to counsel for Defendant Joel Franklin.

4. Attached hereto as Exhibit C is a true and correct copy of a December 19, 2011 letter from counsel for Defendant Joel Franklin to the SEC.

5. Attached hereto as Exhibit D is a true and correct copy of Defendant Luis Carrillo's Response to the SEC's first request for the production of documents.
6. Attached hereto as Exhibit E is a true and correct copy of Defendant Wade Huettel's Response to the SEC's first request for the production of documents.
7. Attached hereto as Exhibit F is a true and correct copy of the SEC's first request for the production of documents to Defendant Luniel de Beer.
8. Attached hereto as Exhibit G is a true and correct copy of an October 2, 2014 letter from counsel to Defendant Luniel de Beer to the SEC.
9. Attached hereto as Exhibit H is a true and correct copy of the SEC's Notice of Deposition to Defendant Luis Carrillo. On the same date, a similar notice of deposition was served on Defendant Wade Huettel by the SEC.
10. Attached hereto as Exhibit I is a true and correct copy of a February 4, 2015 letter from counsel to Defendant Luis Carrillo to the SEC.
11. Attached hereto as Exhibit J is an email from the SEC to the Defendants in this matter adjourning the depositions of Defendants Luis Carrillo and Wade Huettel.
12. Attached hereto as Exhibit K is a true and correct copy of a printout from the website of the Nevada Secretary of State showing the current status of Pacific Blue.
13. Attached hereto as Exhibit L is a true and correct copy of a printout from the website of the Nevada Secretary of State showing the current status of Tradeshow.
14. Attached hereto as Exhibit M is a true and correct copy of a printout from the corporate registration system of the Government of Alberta showing the current status of Skymark.

15. Prior to filing this motion, the SEC engaged in good faith conversations with counsel for Defendants Carrillo, Huettel, de Beer, and Benjamin Kirk concerning the issues raised in this motion. No resolution was reached, prompting the filing of this motion.

Dated: New York, New York  
February 24, 2015

/s/ Todd D. Brody  
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